

Please direct all correspondence to: **32997**

**PETITION TO RESET RESPONSE TIME AND TO AVOID ABANDONMENT UNDER 37 CFT 1.137(A) and (B)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket No. **81091394**

Date: 09/14/2005

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**SEP 14 2005**

Dear Sir:

Transmitted herewith for filing is the following:

**PETITION TO RESET RESPONSE TIME AND TO AVOID ABANDONMENT**

For: **System for Controlling Brake Pulsing at Vehicle Natural Vibration Frequencies**

Enclosed are:

- ☐ [PatentPagesOfDrawings] sheet(s) of drawings
- ☐ Assignment and Cover Sheet
- ☐ Information Disclosure Statement, PTO Form 1449, and Copies of Citations
- ☐ A certified copy of
- ☒ Petition
- ☒ This Transmittal Sheet

The filing fee has been calculated as shown below for OTHER THAN A SMALL ENTITY:

<u>FOR</u>	<u>NO. FILED</u>	<u>NO. EXTRA</u>	<u>RATE</u>	<u>FEE</u>
Petition Filing				\$130.00
<b>TOTAL</b>				<b>\$130.00</b>

- [ X ] Please charge Deposit Account No. 06-1510 in the amount shown next to the Total.
- [ X ] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.  
Any additional filing fees required under 37 CFR 1.16.  
Any patent application processing fees under 37 CFR 1.17.
- [ X ] The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.  
Any patent application processing fees under 37 CFR 1.17.  
Any filing fees under 37 CFR 1.16 for presentation of extra claims.

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(Signature of Person Mailing Paper or Fee.)

Randy Tung  
Attorney or Agent of Record  
Registration No. 31311  
Tung & Associates  
838 West Long Lake Road,  
Suite 120  
Birmingham Hills, MI 48352, USA, Unknown

Please direct all correspondence to:  
**32997**

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO: Assistant Commissioner for Patents  
Washington, D.C. 20231

FROM: Tung & Associates  
838 West Long Lake Road - Suite 120  
Bloomfield Hills, MI 48302

DATE: September 14, 2005

REF: Applicant : Tobler Filing Date : Feb. 17, 2004  
Serial No.: 10/780,301 Att'y Docket No.: 81091394  
Art Unit : unknown Examiner : Burch, Melody  
Title : System for Controlling Brake Pulsing at Vehicle Natural  
Vibration Frequencies

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CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

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Randy W. Tung  
Printed Name

  
Signature

9/14/05  
Date

Please forward all correspondence to  
TUNG & ASSOCIATES  
838 W. Long Lake Road, Suite 120  
Bloomfield Hills, MI 48302

**PETITION TO RESET RESPONSE TIME AND TO AVOID ABANDONMENT  
UNDER 37 CFR 1.137(A) and (B)**

Dear Sir:

In response to an office action dated 3/18/05, but never received by this office, as directed to the above referenced application, and further in accordance with 37 CFR 1.137 (A) 1-4 and (B) 1-2, please accept this Petition to Reset Response Time and to Avoid Abandonment.

10/13/2005 AAD0F01 00000082 061505 10760301  
01 FC:1464 130.00 DA

### FACTS

Applicants filed this application on 2/17/2004. On or about 3/18/05 an Office Action was prepared, but never received by Applicant's attorney. As of this date, Applicant's counsel has never seen the Office Action dated 3/18/05.

Applicant's counsel requested a status on this application in writing on May 2, 2005, a copy of which is attached hereto as **Exhibit A**. As of this date, Applicant's counsel has not received a copy of the subject Office Action and therefore cannot respond to what he cannot see.

On September 7, 2005, Applicant, through his counsel, Randy W. Tung contacted Examiner Melody Burch and requested a copy of the subject Office Action dated March 18, 2005. The Examiner referred Mr. Tung's office to Toi Johnson the Supervisor of Legal Instrument. However, as of this time, Applicant nor his attorney has not been supplied a copy of said requested Office Action and therefore is unable to respond to it. Further, Applicant's counsel has been advised to file this subject petition but was not provided a copy of the March 18, 2005 Office Action.

### REQUESTED RELIEF

Insofar as Applicant has complied with the provisions of his request for reset of response time, Applicant respectfully requests that the Examiner grant his request and provide a copy of the March 18, 2005 Office Action for review and allow Applicant to respond accordingly.

Further, Applicant requests that the Office Action dated March 18, 2005 be provided immediately for Applicant's attorney to review and a new response date, and that Applicant be allowed the opportunity to respond within the allowable three month period in which to respond to an Office Action.

Respectfully submitted,

**TUNG & ASSOCIATES**

  
Randy W. Tung (Reg. No. 31,311)

Tung & Associates  
838 West Long Lake Road - Suite 120  
Bloomfield Hills, MI 48302  
248-540-4040 (voice)  
248-540-4035 (facsimile)

## EXHIBIT A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: Unknown

Inventor: Bill Tobler

Appl. No.: 10/780,301

Filed: Feb. 17, 2004

For: System for Controlling Brake Pulsing at Vehicle  
Natural Vibration Frequencies

Attorney Docket No.: 81091394

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I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: May 2, 2005

Kathy Dixon

STATUS REQUESTCommissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Please advise when a first Office Action will be received regarding the above application number.

Respectfully submitted,

Randy W. Tung  
Reg. No. 31,311